THE HON'BLE SRI JUSTICE C.V. RAMULU

Thursday, 29th day of November,2007

WRIT PETITION No.14526 of 2005

Between:-

Cinnam Venkateswarlu … Petitioner

and

Southern Power Distribution Company of A.P. Limited, represented by its Chief General Manager, Tirupathi, Chittoor District and others … Respondents

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14526 of 2005

ORAL ORDER:

This Writ Petition is filed seeking a Mandamus declaring the action of respondents 1 to 3 in asking the petitioner not to attend duties with effect from 11-5-2005 without there being any notice as arbitrary, illegal and violative of Article 21 of the Constitution of India; consequently, to direct respondents 1 to 3 to continue the petitioner as L.D.Clerk in the 3rd respondent's Office.

It appears, petitioner was working with a contractor, who was engaged by the respondents, in the Southern Power Distribution Company of Andhra Pradesh Limited, Tirupathi. According to the petitioner, he was asked not to attend duties with effect from 11-5-2005 without there being any notice and the same is arbitrary and illegal.

A detailed counter affidavit is filed by the 1st respondent denying the allegations made by the petitioner. It is stated that the petitioner was engaged between February,2002 and March,2003 through a contractor under K2 agreement. For that purpose, honorarium was paid, but the contention that the appointment is made by the respondents is totally false and incorrect. Petitioner was engaged through a contractor and he was paid by the contractor. May be, the services of the petitioner were terminated by the contractor, but he cannot blame the Department.

In view of the averments in the counter, I am of the opinion that

the petitioner was admittedly engaged by a contractor under K2 agreement with the respondent-Corporation. Why the services of the petitioner were terminated and why his services were not continued, it is for the contractor to say and not for the respondents herein. The contractor with whom the petitioner was working is not made a party to this Writ Petition.

For all the above reasons, the Writ Petition is devoid of merits and is liable to be dismissed. Accordingly, the Writ Petition is dismissed. However, this will not preclude the petitioner from working out his remedies as available under the law. No order as to costs.

29-11-2007

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